



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

COPY MAILED

NOV 18 2005

In re Application of :
Kojima et al. :
Application No. 09/658,501 :
Filed: September 8, 2000 :
Attorney Docket No. 40258/273851 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed December 23, 2004, to withdraw the holding of abandonment.

The petition is **granted**.

A Final Office action was mailed on October 22, 2002.

An amendment and a request for a one month extension of time were filed. The examiner mailed an advisory action stating the amendment failed to place the application in condition for allowance.

Office records failed to indicate a proper reply was filed to the final Office action and the application was deemed abandoned as of February 23, 2003.

A Notice of Abandonment was mailed on July 15, 2003.

Petitioner contends *and has proven* that a RCE, request for a three month extension of time, and authorization to charge the fees were filed on April 17, 2003.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

No petition fee is required for a petition to withdraw holding of abandonment under 37 C.F.R. §1.181. The Office incorrectly charged \$130 to petitioner's deposit account for the petition. The \$130 fee will be credited back to petitioner's deposit account.

The fee for \$750 for the RCE and the fee of \$820 for the request for a three month extension of time have been charged to petitioner's deposit account.

Technology Center Art Unit 1763 will be informed of the instant decision so that the examiner can consider the copy of the RCE filed with the petition, and the amendment filed on February 24, 2003, in due course.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions